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Attorneys for Defendants
MATSON NAVIGATION COMPANY, INC.
AND ALEXANDER & BALDWIN, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA: SAN FRANCISCO DIVISION

ROBERT H. STEINBERG, Individually and on)
Behalf of All Others Similarly Situated,)

Plaintiff,)

v.)

MATSON NAVIGATION COMPANY, INC.,)
et al.)

Defendants)

-----)
JOSHUA WAGNER, Individually and on)
Behalf of All Others Similarly Situated,)

Plaintiff,)

v.)

HORIZON LINES, INC., et al.)

Defendants.)

Case No. 08-cv-02402 VRW

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED**

Case No. 08-cv-03246 MEJ

1 TO THE COURT AND ALL PARTIES AND COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE THAT, pursuant to Civ. L.R. 3-12, Defendants Matson
3 Navigation Company, Inc. and Alexander & Baldwin, Inc., hereby give notice that the following
4 two cases are related within the meaning of Civ. L.R. 3-12:

- 5 • *Robert H. Steinberg, et al. v. Matson Navigation Company, Inc., Alexander &*
6 *Baldwin, Inc., Horizon Lines, Inc., and Horizon Lines LLC*, 08-cv-02402-VRW (“*Steinberg*”); and
7 • *Joshua Wagner, et al. v. Horizon Lines, Inc., Horizon Lines, LLC, Matson*
8 *Navigation Company, Inc., and Alexander & Baldwin, Inc.*, 08-cv-03246-MEJ (“*Wagner*”).

9 *Steinberg* is a civil action currently pending in the Northern District of California before
10 the Honorable Vaughn R. Walker. *Wagner* is a civil action currently pending in the Northern
11 District of California before the Honorable Maria Elena-James. *Steinberg* was filed prior to
12 *Wagner* and, as such, is assigned the lower case number.

13 This Administrative Motion is made pursuant to Local Rule 3-12(a), which provides that
14 actions are related when:

15 (1) The actions concern substantially the same parties, property, transaction or event;
16 and

17 (2) It appears likely that there will be an unduly burdensome duplication of labor and
18 expense or conflicting results if the cases are conducted before different judges.

19 *Steinberg* and *Wagner* are related within the meaning of Civ. L.R. 3-12. Both cases
20 involve allegations of violations of antitrust statutes in connection with ocean shipping services.
21 Specifically, both actions allege that the Matson and Horizon defendants agreed, combined, or
22 conspired with each other to fix, raise, maintain and/or stabilize prices of noncontiguous domestic
23 ocean shipping and/or to allocate markets and/or customers for those services in the United States.
24 Plaintiffs in both actions name the same defendants. At least three other, similar matters have
25 been assigned or reassigned to Judge Walker.¹

26 _____
27 ¹ Those matters are: *Acutron, Inc. v. Matson Navigation Company, Inc., et al.*, 08-cv-02600-
28 VRW; *50th State Distributors, Inc. v. Matson Navigation Company, Inc., et al.*, 08-cv-02603-
VRW; and *Winkler Woods, LLC v. Matson Navigation Co., Inc., et al.*, 08-cv-03169-VRW.

1 The factual and legal matters presented in *Steinberg* and *Wagner* will be largely identical.
 2 Whereas assignment to separate judges will create an unduly burdensome duplication of labor,
 3 generate unneeded expense, and may lead to conflicting results, assignment to a single judge will
 4 conserve judicial resources and lead to more efficient determination of all the actions.²

5 Defendants Matson Navigation Company, Inc. and Alexander & Baldwin, Inc. respectfully
 6 request that the *Wagner* action be related to the *Steinberg* action.³

7 Dated: July 29, 2008

GIBSON, DUNN & CRUTCHER, LLP

/s/

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² There are currently two MDL proceedings involving at least fourteen complaints alleging antitrust violations by the Matson and Horizon defendants in the noncontiguous domestic ocean shipping industry. *In Re: Hawaiian Cabotage Antitrust Litigation*, MDL No. 1970; *In Re: Pacific Ocean Cabotage Antitrust Litigation*, MDL No. 1972. The *Steinberg* plaintiffs have been identified as interested parties to both proceedings, while *Wagner* has been identified as a potential tag-along action.

³ By filing this Notice of a Related Case, Defendants Matson Navigation Company, Inc. and Alexander & Baldwin, Inc. do not consent to proceed before a United States Magistrate Judge.